

JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	No. CR15-5133 BHS
	)	
Plaintiff,	)	
	)	ORDER GRANTING UNOPPOSED
v.	)	MOTION TO CONTINUE TRIAL AND
	)	PRETRIAL MOTIONS DEADLINE
HILARIO ORTIZ-CALDERON,	)	
	)	
Defendant.	)	

THE COURT has considered the unopposed motion of the defendant to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the case is sufficiently complex that it is unreasonable to expect adequate  
2 preparation for pretrial proceedings or the trial itself within the current trial schedule, as  
3 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

4 (e) the ends of justice will best be served by a continuance, and the ends of  
5 justice outweigh the best interests of the public and the defendant in any speedier trial,  
6 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

7 (f) the additional time requested between the current trial date of May 5, 2015,  
8 and the new trial date is necessary to provide counsel for the defendant the reasonable  
9 time necessary to prepare for trial, considering counsel's schedule and all of the facts  
10 set forth above.

11 (g) that the period of delay from the date of this order to the new trial date is  
12 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

13 IT IS THEREFORE ORDERED that the trial date in this matter shall be  
14 continued to August 25, 2015, pretrial motions shall be filed no later than July 15, 2015,  
15 and Pretrial Conference is set for August 17, 2015 at 2:30 p.m.

16 DONE this 7<sup>th</sup> day of April, 2015.

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BENJAMIN H. SETTLE  
United States District Judge

Presented by:

s/ *John Carpenter*  
Assistant Federal Public Defender  
Attorney for Hilario Ortiz-Calderon